

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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DONALD WILLIAMS,

Plaintiff,

**REPORT AND RECOMMENDATION**  
**08 CV 2802 (NGG)(LB)**

- against -

THE NEW YORK CITY HOUSING  
AUTHORITY, A.A.H. Construction Corp.,

Defendants.

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**BLOOM, United States Magistrate Judge:**

Plaintiff filed the instant *pro se* action on July 10, 2008. A review of the Court's records reflects that there is no proof that defendants have been served with the summons and complaint on file. Rule 4(m) of the Federal Rules of Civil Procedure provides:

If a defendant is not served within 120 days after the complaint is filed, the court--on motion or on its own after notice to the plaintiff--must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period.

By order dated July 21, 2008, I directed plaintiff to serve defendants with the summons and complaint by November 7, 2008. My order explicitly stated "if service is not made upon the defendants by November 7, 2008 or plaintiff fails to show good cause why such service has not been effected, it will be recommended that the Court dismiss this action without prejudice." Plaintiff has failed to file proof of service or show good cause why service had not been made. Accordingly, it is respectfully recommended that the instant action should be dismissed without prejudice pursuant

to Rule 4(m) of the Federal Rules of Civil Procedure.<sup>1</sup>

### **FILING OF OBJECTIONS TO THIS REPORT AND RECOMMENDATION**

Pursuant to 28 U.S.C. § 636(b)(1) and Rule 72(b) of the Federal Rules of Civil Procedure, the parties shall have ten (10) days from service of this Report to file written objections. See also Fed. R. Civ. P. 6. Such objections (and any responses to objections) shall be filed with the Clerk of the Court. Any request for an extension of time to file objections must be made within the ten-day period. Failure to file a timely objection to this Report generally waives any further judicial review. Marcella v. Capital Dist. Physician's Health Plan, Inc., 293 F.3d 42 (2d Cir. 2002); Small v. Sec'y of Health and Human Services, 892 F.2d 15 (2d Cir. 1989); see Thomas v. Arn, 474 U.S. 140 (1985).

SO ORDERED.

/s/  
LOIS BLOOM  
United States Magistrate Judge

Dated: December 12, 2008  
Brooklyn, New York

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<sup>1</sup>The Court notes that plaintiff has seven actions pending before the Court. (Williams v. United States Department of Housing and Urban Development, et al. (04-cv-03488); Williams v. New York City Housing Authority, et al. (06-cv-05473); Williams v. City of New York, et al. (06-cv-06601); Williams v. United States Department of Housing and Urban Development, et al. (07-cv-00385); Williams v. United States Department of Housing & Urban Development, et al. (08-cv-02161); Williams v. The New York City Housing Authority, et al. (08-cv-02803); Williams v. United States Department of Housing & Urban Development, et al. (08-cv-02804)). This shall not constitute "good cause" for plaintiff's failure to timely effect service in this action.